

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

STANLEY ALLEN, M.D.,
PLAINTIFF,

v.

CIVIL ACTION NO. 3:12-cv-00045

UNIVERSITY OF TEXAS MEDICAL
BRANCH AT GALVESTON,
DEFENDANT.

PLAINTIFF, STANLEY ALLEN, M.D.'S,
INITIAL DISCLOSURES PURSUANT TO RULE 26, F.R.C.P.

Plaintiff, Stanley Allen, M.D., make this his Initial Disclosures, according to Rule 26 (a) (1) of the Federal Rules of Civil Procedure, as follows:

(a)(1)(A) The name and, if known, the address and telephone number of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings, identifying the subjects of the information.

RESPONSE:

1) Stanley D. Allen, M.D.-Contact information-Address: 1063 Long Reach Drive, Tiki Island, Texas 77554; telephone: cell-409-789-5916 c/o Anthony P. Griffin, A Griffin Lawyers, 1115 Twenty First Street, Galveston, Texas 77550; 409.763.0386.

[Plaintiff can provide testimony with respect to underlying facts and damages; disparate treatment.]

2) Karen Hand-Allen-Contact information-Address: 1063 Long Reach Drive, Tiki Island, Texas 77554; telephone: cell-713-962-1739.

[Witness is wife of Plaintiff who can provide testimony with respect to underlying facts and damages incurred.]

3) Michael Megna, Retired UTMB-8/2010- Associate V.P. UTMB; Address: 1302 Silverleaf Dr., Friendswood, Texas 77546.

[Witness is former business manager for Department; can provide testimony with respect to Plaintiff's production in comparison to others; policies and procedures of Department.]

4) UTMB-all the following:

A) Garland Anderson, M.D. (former Provost & Dean, School of Medicine)

Directory Information			
Anderson, Garland D. ganderso@utmb.edu	Title	Status	Phone No.
	Special Advisor to President	Staff	(409) 772-1902
	Department	Mail Route	Fax No.
	Office of the President	0129	(409) 772-5064
	Building	Room	Mobile No
	Administration Building	6.100	
Preferred Name		Delivery Location (L#)	Pager No

[Witness can provide testimony with respect to underlying facts; actions taken against Plaintiff and policies and procedures.]

B) David Callender M.D., UTMB President

Callender, David L. dcallender@utmb.edu	Title	Status	Phone No.
	President	Staff	(409) 772-1902
	Department	Mail Route	Fax No.
	Office of the President	0129	(409) 772-5064
	Building	Room	Mobile No
	Administration Building	604	

[Witness can provide testimony with respect to underlying facts; actions taken against Plaintiff and policies and procedures.]

c) Donna Sollenberger, EVP & CEO UTMB Health System

Sollenberger, Donna K. dk soll@utmb.edu	Title	Status	Phone No.
	EVP & CEO Health System	Staff	(409) 772-6116
	Department	Mail Route	Fax No.
	Hospital Administration	0132	(409) 266-2020
	Building	Room	Mobile No
	Administration Building	2.206	(409) 770-3657

Preferred Name	Delivery Location (L#)	Pager No

[Witness can provide testimony with respect to underlying facts; actions taken against Plaintiff and policies and procedures.]

D) Ronald Lindsey, M.D., UTMB Professor & Chairman
Department of Orthopaedics

Lindsey, Ronald W. rllindsey@utmb.edu	Title	Status	Phone No.
	Professor & Chair	Faculty	(409) 747-5757
	Department	Mail Route	Fax No.
	Orthopaedic Surgery	0165	(409) 747-5747
	Building	Room	Mobile No
	Rebecca Sealy Hospital	2.316	
	Preferred Name	Delivery Location (L#)	Pager No

[Witness can provide testimony with respect to underlying facts; actions taken against Plaintiff and policies and procedures.]

E) Josanne Smathers, Administrator, Department of Orthopaedics

Directory Information			
Smathers, Josanne E. jesmathe@utmb.edu	Title	Status	Phone No.
	Admin, Neuro/Neurosci&CB/Ortho	Staff	(409) 747-9479
	Department	Mail Route	Fax No.
	Orthopaedic Surgery	0165	(409) 747-5766
	Building	Room	Mobile No
	Rebecca Sealy Hospital	2.316	(409) 392-8787

[Witness can provide testimony with respect to underlying facts; actions taken against Plaintiff and policies and procedures.]

F) Courtney Townsend, M.D. Chairman - Department of Surgery,
UTMB

Directory Information			
	Title	Status	Phone No.
	Professor & Chair	Faculty	(409) 772-1285
Townsend, Courtney M. ctownsen@utmb.edu	Department	Mail Route	Fax No.
	Surgery-Administration	0527	(409) 772-5611
	Building	Room	Mobile No
	John Sealy Annex	6.146	(409) 795-7275
	Preferred Name	Delivery Location (L#)	Pager No

[Witness can provide testimony with respect to underlying facts; actions taken against Plaintiff and policies and procedures.]

G) Marilyn Marx, M.D. -Department of Surgery UTMB

Directory Information			
	Title	Status	Phone No.
	Assoc Prof- N-T Track Clinical	Faculty	(409) 747-7359
Marx, Marilyn mamarx@utmb.edu	Department	Mail Route	Fax No.
	Surgery-General Surgery	0531	(409) 747-7378
	Building	Room	Mobile No
	John Sealy Annex	6.312B	(409) 356-3433
	Preferred Name	Delivery Location (L#)	Pager No
			(409) 643-1523

[Witness can provide testimony with respect to underlying facts; actions taken against Plaintiff and policies and procedures.]

H) Robert Smith, M.D.-Neurologist (Stanley Allen's Neurologist)

Smith, Robert G. robsmith@utmb.edu	Title	Status	Phone No.
	Professor & Chair Ad Interim	Faculty	(409) 772-8053
	Department	Mail Route	Fax No.
	Neurology	0539	(409) 772-6940
	Building	Room	Mobile No
	John Sealy Towers/ Hospital	9.128G	
Preferred Name	Delivery Location (L#)	Pager No	
	L08159		

[Witness can provide testimony with respect to the health assessment of Plaintiff in context of work duties and responsibilities.]

I) Bud Cherry, R.N. Director Pt Care Services ASST. CNO (OR Nurse Director)

Directory Information			
Cherry, Bernard E. becherry@utmb.edu	Title	Status	Phone No.
	Dir Pt Care Svcs & Asst CNO	Staff	(409) 772-4047
	Department	Mail Route	Fax No.
	Nursing Service - Administrati	0589	(409) 772-3734
	Building	Room	Mobile No
	John Sealy Annex	2ND FLOOR	
Preferred Name	Delivery Location (L#)	Pager No	

[Witness can provide testimony with respect to underlying facts; actions taken against Plaintiff and policies and procedures.]

J) Donald Prough, M.D. Chairman, Department of Anesthesiology

Prough, Donald S. dsprough@utmb.edu	Title	Status	Phone No.
	Professor & Chair	Faculty	(409) 772-2965
	Department	Mail Route	Fax No.
	Anesthesiology	0591	(409) 772-4166
	Building	Room	Mobile No
	John Sealy Annex	2-A	

[Witness can provide testimony with respect to underlying facts; actions taken against Plaintiff and policies and procedures.]

K) Harry Wallfisch, M.D.

Wallfisch, Harry K. hwallfis@utmb.edu	Title	Status	Phone No.
	Professor	Faculty	(409) 747-9451
	Department	Mail Route	Fax No.
	Anesthesiology	0138	(409) 747-9452
	Building	Room	Mobile No
	Rebecca Sealy Hospital	2.318	

[Witness can provide testimony with respect to underlying facts; actions taken against Plaintiff and policies and procedures.]

Anthony P. Griffin
A Griffin Lawyers
1115 Twenty First Street
Galveston, Texas 77550
409.763.0386

[Witness can provide testimony with respect to reasonable and necessary attorneys' fees]

(a)(1)(B) A copy of, or a description by category and location of, all documents, data compilations and tangible things in the possession, custody, or control of the party that are relevant to disputed facts alleged with particularity in the pleadings.

RESPONSE:

- Medical records for Stanley Allen; see documents under Tab A (assessment 2011) & B (assessment 2009); (protective order will be circulated to protect medical records and confidential information).
- Tab C - General Correspondences
- Tab D - Charges Collections Summary/11/2007-2007
- Tab E - Analysis Charges/Faculty Group Practices 2007-2010
- Tab F - Weekly Charges 2008
- Tab G - Weekly Charges 2009
- Tab H - Charges 2010
- Tab I - Pay Records 2006-2007
- Tab J - Pay Records 2007-2008
- Tab K - Pay Records 2009
- Tab L - Pay Records 2010
- Tab M - Promotion Records
- Tab N - UTMB Memorandum of Appointments 2007-2010
- Tab O - Privileges documents 2007-2011

- Tab P - Contract of Employment - lawyer.
- Tab Q - Resume - Curriculum Vitae - lawyer.
- Tab R - Summary of Pay Checks

(a)(1)(C) A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

RESPONSE:

- A. Declaratory judgment stating that the Defendant has engaged in discriminatory conduct and that Defendant has violated Texas law against Plaintiff because of his disability;
- B. Back wages and benefits;
2007 - \$325,000.00
2008 - \$307,000.00 = \$18,000.00
2009 - \$286,000.00 = \$39,000.00
2010 - \$266,500.00 = \$59,000.00
2011 - \$266,500.00 = \$59,000.00
[Does not include benefits lost]
- C. Compensatory damages incurred in the past, present and future;

[\$300,000.00 - no mathematical calculation for compensatory damages.]

- D. Reasonable and necessary attorney's fees incurred in the prosecution of this matter [\$75,000.00 - \$100,000.00; at \$375.00 an hour.]
- E. Pre-judgment and post-judgment interest;
- F. Costs of court.

(a)(1)(D) For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

RESPONSE:

N/A.

DATE: May 4, 2012.

Respectfully submitted,

/s/ ANTHONY P. GRIFFIN

ANTHONY P. GRIFFIN
ATTORNEY-IN-CHARGE

STATE BAR NO. 08455300
FEDERAL ADMISSIONS NO. 4736

A GRIFFIN LAWYERS
1115 TWENTY FIRST STREET
GALVESTON, TEXAS 77550
409.763.0386
1.800.750.5034
FACSIMILE NO. 409.763.4102

CERTIFICATE OF SERVICE

This is to certify that on this the 4th day of May, 2012, a true and correct copy of the foregoing Plaintiff's Initial Disclosures were forwarded to opposing counsel, by electronic transmission and certified mail, return receipt requested, postage prepaid wherever noted, to-wit:

ANA MARIE JORDAN
ASSISTANT ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
GENERAL LITIGATION DIVISION
P.O. BOX 12548, CAPITOL STATION
AUSTIN, TEXAS 78711-2548

CERTIFIED MAIL, RRR NO. 91 7108 2133 3934 9976 8012

/S/ ANTHONY P. GRIFFIN

ANTHONY P. GRIFFIN